

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DAVID TYLER MOSS AND
BRANDON KEATING**

Plaintiffs,

Vs.

**MARKO PRINCIP,
Individually,
MARKO PRINCIP d/b/a
VIDEOGAMES YOUTUBE
CHANNEL,
MARKO PRINCIP d/b/a
ACHIEVEMENT GUIDE,
MARKO PRINCIP d/b/a
GAME GUIDE, LLC;
AND BRIAN MARTIN**

Defendants.

**CIVIL ACTION NO.
3:14-CV-03088-M
(JURY)**

PROPOSED VOIR DIRE QUESTIONS TO THE COURT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME DAVID TYLER MOSS and BRANDON KEATING, PLAINTIFFS in the above-referenced matter and Movants herein, and bring this *PROPOSED VOIR DIRE QUESTIONS TO THE COURT*. Plaintiffs respectfully request the Court to allow Plaintiffs' counsel to voir dire the jury panel on the following questions, or in the alternative to request the Court to ask each member of the voir dire panel the following questions:

1. How many of you have an issue with that fact that the United States Constitution ensures every citizen the right to a jury trial, like the one here, as long as there is more than twenty dollars at stake?
2. Educate jury on attorneys' obligations to cross examine witnesses, object, make

motions, and otherwise protect their clients, the record and preserve error.

3. Educate jury on the various burdens of proof.
4. How many of you have ever served on a:
 - a. Grand jury. Explain your thoughts about your service and your experience.
 - b. Civil Jury:
 - i. How long ago?
 - ii. What type of case?
 - iii. Were you the foreperson?
 - iv. Did you reach a verdict? What was it, if you remember?
 - c. Criminal:
 - i. How long ago?
 - ii. What type of case?
 - iii. Were you the foreperson?
 - iv. Did you reach a verdict? What was it, if you remember?
5. How many of you would consider yourself a leader or assume a leadership role in group settings?
6. How many of you have two or more bumper stickers on your vehicle?
7. How many of you try to solve disagreements between people?
8. How many of you tend to speak your mind in a group?
9. How many of you prefer not to speak your mind in a group until you've heard everyone else, or prefer not to be involved in group disagreements at all.
10. How many of you believe that all is fair in business?

11. How many of you agree with the statement that “business is cutthroat.”
12. How many of you agree with the statement, “Because business is cutthroat, it is okay to lie and deceive your partners because they need to look out for themselves”?
13. How many people believe there are reasons why a person should not be bound by an agreement that they signed their name to? Please give us some examples of some of those reasons?
14. How many of you believe that partners should resolve their disputes without suing each other?
15. How many of you, or an immediate member of your family or a close friend, have been sued for any reason, other than a divorce? If so, please briefly explain the nature of the dispute that you were sued over.
16. How many of you have been sued for breach of contract? Or how many of you have been sued for anything related to a partnership or a partnership agreement?
 - a. How long ago?
 - b. Please explain what the case was about?
 - c. What was the final outcome of the lawsuit?
 - d. Did you retain an attorney?
 - e. If you did not retain an attorney, was a default judgment entered against you, if you know?
 - f. Has any attempt been made to collect upon any judgment against you?
 - g. Explain what impact your case, including the circumstances and how it was resolved or ended, will have on your ability to be fair and impartial in

this lawsuit where Plaintiffs are suing for breach of contract; and for breach of partnership agreements.

h. If you cannot be impartial towards the Plaintiffs' case, are you asking the Court to release you from being a potential juror in this case?

17. Has any member of the panel sued someone or some business over a breach of contract or breach of partnership agreement?

a. If so, what was the result of the lawsuit?

b. Did you actually recover your attorney's fees in the lawsuit?

c. Did you obtain a money award or just a judgment?

18. If a young adult signs a contract or partnership agreement, should that young adult be legally bound to the contract or agreement?

19. If that young adult should be bound to the agreement and breaks or breaches a contract or agreement, should that young adult be held financially responsible? If "no," why not?

20. How many of you have strong feelings against awarding money damages if someone breaches a contract or agreement?

21. If you do not feel it is right to award money damages, how would you compensate the injured Plaintiffs?

22. How do you feel about having a young adult held responsible and awarding money damages against that young adult?

23. What if the amount is tens of thousands or hundreds of thousands of dollars—how many of you have strong feelings that would prevent you from finding that the young adult should be held financially responsible in this case?

24. If the amount of damages due to the breach of the contract or agreement is hundreds of thousands of dollars, would the amount of damages cause you to hesitate to find the young adult breached the contract or agreement?
25. How many of you believe it is wrong to sue someone if they owe you money?
26. How many of you believe there are too many lawsuits these days?
27. How many of you believe it is wrong to sue someone over a business dispute?
28. Is your spouse or significant other an attorney? Or do any of you work in any capacity for an attorney or a law firm?
29. Regardless of anything we've discussed or not, is there any reason anyone here could not be fair and impartial?
30. Is there anything that we didn't ask you that you believe, think or know you should let us know?

Respectfully submitted,

/s/ Victor D. Vital

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-AND-

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2016, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Victor Vital

VICTOR D. VITAL

BARNES & THORNBURG LLP